



# Opportunities and Challenges for Local Emergency Planning Committees: Federal Laws and Technical Assistance

Chemical Emergency Preparedness  
and Prevention Office (CEPPO)

Technical Assistance Bulletin  
Volume 10, Number 1

## A Letter to LEPCs....

Over the past five years since the passage of SARA Title III, there have been many challenges that have faced you as members of Local Emergency Planning Committees. We have captured some, although clearly not all, of your successes in our "Successful Practices" series, which highlights innovative approaches to the implementation of the Emergency Planning and Community Right-to-Know Act.

Along with spreading the word on the achievements of your colleagues, we have provided you with technical information relating to specific chemicals in our "Advisory" series. In order to keep you informed of what tools and resources are available to assist you in your efforts, and also to provide you with the latest information on new legislation which will impact LEPCs, we have developed this bulletin, "Opportunities and Challenges for Local Emergency Planning Committees: Federal Laws and Technical Assistance". EPA and other Federal agencies are continuing to work toward supporting you in meeting these challenges and in seizing these opportunities.

As you are probably aware, planning for and preventing chemical accidents is an ongoing process. It is encouraging to hear that some LEPCs are continuing to emphasize hazards analysis and are exercising and revising their plans. We hope that throughout the country, LEPCs will continue to work toward reducing chemical risks regardless of where in the process they are now. We further urge that LEPCs continue to press those industries and firms which have not yet submitted the required information to get full compliance. Thank you for your involvement in this important program. We hope that this document will provide you with some new insights into the opportunities and challenges that we will be facing in the coming years.

Sincerely,

Jim Makris, Director  
Chemical Emergency Preparedness and Prevention Office

## What's Inside This Bulletin...

Your work to date has probably focused on complying with the community planning and right-to-know provisions of SARA Title III. Most local emergency planning committees (LEPCs) have been developing methods to manage MSDs and Tier I and II reports; conducting hazards analyses; forming cooperative relationships with local facility owners and operators; and developing, exercising, and revising emergency plans.

Over the next few years, other laws and proposed regulations will affect your work. These laws will give you the opportunity to do a better job. You will have access to federal funding for your planning, training, and response activities. Additional information from facilities will make your hazards analyses more precise and will help you improve your community plans.

EPA's Chemical Emergency Preparedness and Prevention Office (CEPPO) will continue to offer various forms of technical assistance to LEPCs. This bulletin describes CAMEO™, a computer software package that can help you organize and use information about chemical hazards in your community. It also summarizes several laws and proposed regulations that will influence your work. The laws that this information bulletin focuses on are:

- The Hazardous Materials Transportation Uniform Safety Act of 1990;
- Section 123 of SARA;
- The 1990 Clean Air Act Amendments;
- The OSHA health and safety standards issued under SARA Title I;
- The Oil Pollution Act of 1990;
- The Pollution Prevention Act; and
- Other proposed federal regulations.



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## COMPUTER AIDED MANAGEMENT OF EMERGENCY OPERATIONS (CAMEO™)

CAMEO provides the tools necessary to manage and use information collected under SARA Title III. The system was developed by the National Oceanic and Atmospheric Administration (NOAA) and EPA to assist LEPCs, emergency responders, emergency planners, and others involved in activities concerned with the safe handling of chemicals, and is being used by local governments, fire departments, and industry throughout the United States, including the cities of Miami (Florida) and Portland (Oregon). CAMEO is now available for both Macintosh and IBM-compatible computers.

The CAMEO system includes:

- Response information for over 3,000 chemicals commonly transported in the United States;
- Databases where you record Tier II chemical inventories and the locations of special populations;
- The capability to import Toxic Release Inventory Data;
- The ability to create scenarios using federal hazards analysis calculations to assist in emergency planning and overlay the estimated vulnerable zone on maps of your community;
- A mapping capability that allows you to identify the proximity and potential hazard posed by facilities to sensitive populations;
- A drawing capability to pinpoint locations of chemicals stored in your community on facility floor plans that you create; and
- An air dispersion model that can be used to help you evaluate spill scenarios and evacuation options for 700 airborne toxic chemicals (this feature is available for the Macintosh and is being developed for CAMEO DOS);

EPA will evaluate how CAMEO might be adapted to meet future information requirements imposed by new legislation. For information regarding CAMEO, contact your EPA regional office or the Emergency Planning and Community Right-to-Know Information Hotline at (800) 535-0202.

## SUCCESSFUL PRACTICES IN TITLE III IMPLEMENTATION

The Chemical Emergency Preparedness and Prevention Office (CEPPO) publishes a series of Technical Assistance bulletins known as *Successful Practices in Title III Implementation*. These bulletins describe procedures and strategies that are innovative and particularly effective in implementing programs required by Title III. By illustrating various aspects of programs from different areas of the country, LEPCs, SERCs, fire departments, and other Title III implementing agencies receive information which may prove useful to the development of their own program.

Each profile describes the LEPC, its organizational structure, and the area in which it functions. The activities undertaken by the LEPC, the lessons learned from those activities, and a contact person are provided. For example, a recent profile described the Harford County, Maryland efforts to improve outreach by developing a public safety video and to increase state funding by organizing a caucus to support legislation that would help local jurisdictions recover the costs of implementing Title III.

For information on past issues, or if you know of Title III implementation efforts that would be of interest to others, contact the Emergency Planning and Community Right-to-Know Information Hotline at (800) 535-0202.

## HAZARDOUS MATERIALS TRANSPORTATION UNIFORM SAFETY ACT OF 1990 (HMTUSA) -- SECTION 117

LEPCs will be pleased to learn that HMTUSA, under the administration of the Department of Transportation, included funding grants for planning and hazmat training, as well as requiring curriculum development for responders. Reimbursable grants made under HMTUSA will be for approved planning and/or training activities. Specifically, HMTUSA:

- Provides for planning grants (\$5 million per year from 1993 through 1998) for:
  - Developing, improving, and implementing Title III plans, including the determination of transportation flow patterns of hazardous materials; and

- Determining the need for regional hazardous materials emergency response teams.
- Requires that states, to qualify for these planning grants, agree to pass through at least 75 percent of their planning grant directly to LEPCs to develop, improve, and implement emergency plans.
- Provides for training grants (\$7.8 million per year from 1993 through 1998) to states and Indian tribes for training public sector employees in hazmat response. These funds may be used for delivery of training, including tuition costs, student and trainer travel expenses, and room and board at training facilities.
- Requires that states, to qualify for these training grants, certify that they are complying with sections 301 (dealing with LEPC membership and rules) and 303 (dealing with LEPC plans and recommendations regarding resources) of SARA Title III.
- Provides that the Department of Transportation (DOT) (in coordination with other agencies) develop and periodically update a curriculum -- a list of courses necessary to train public sector emergency response and preparedness teams. The Federal Emergency Management Agency (FEMA) is then to distribute the curriculum and updates to the Regional Response Teams (RRTs), SERCs, and LEPCs.

LEPCs should immediately consult with SERC officials to learn about grants under HMTUSA. These grants might be used for HAZWOPER and other training activities. In addition, LEPCs now have a possible source of funding for conducting a transportation hazards analysis and generally improving their emergency plans.

**REIMBURSEMENT FOR EMERGENCY  
RESPONSE ACTIONS (UNDER SECTION 123  
OF SARA)**

SARA not only includes Title III as a free-standing statute. It also includes (in Title I) section 123, an authorization for EPA to reimburse local governments for expenses incurred in carrying out temporary emergency measures in response to hazardous substance incidents. Reimbursement, however, must not supplant local government funds normally provided for emergency response.

Reimbursement under Section 123 covers activities such as erecting security fencing to limit access; responding to fires, explosions, and chemical releases; and other actions that require immediate response at the local level in order to prevent or mitigate injury to human health or the environment. EPA will consider reimbursement for costs of such items as disposable materials and supplies purchased and used for the response in question; rental or leasing of equipment used for the specific response; replacement of equipment contaminated beyond reuse or repair during a specific response; special technical services and laboratory costs; and services and supplies purchased for a specific evacuation.

The following rules and restrictions apply to reimbursement under Section 123:

- Local governments must be in compliance with Section 303(a) of SARA Title III which requires the development of a comprehensive response plan. The sole exemption from this requirement is if the SERC has not established an LEPC for the locality in question.
- The law specifically limits reimbursement to \$25,000 per response.
- Any local government may apply for reimbursement and only one request for reimbursement will be accepted for each emergency response action taken. When more than one local agency has participated in a response, those agencies must determine which single agency will submit the request on behalf of them all.
- EPA will distribute the reimbursement money to those applicants who demonstrate the greatest financial burden. Based upon the financial burden ranking for each request and the funds available for reimbursement, a request may be reimbursed, denied, or held over for reconsideration.

For more information on Section 123 and to obtain an application package, contact the RCRA/Superfund hotline at (800) 424-9346.

## CLEAN AIR ACT (CAA) AMENDMENTS OF 1990

**Accidental Release Provisions.** Under the Clean Air Act Amendments, facilities are required to provide information on the ways they manage risks posed by certain substances listed by EPA and indicate what they are doing to minimize risk to the community. Specifically, under the accidental release provisions of the CAA Amendments:

- EPA must prepare and promulgate by November 1992 a list of at least 100 substances (with threshold quantities) that can cause death, injury, or serious adverse impacts to human health or the environment.
- In developing the list of substances, EPA is to consider (but not be limited to) the list of extremely hazardous substances (EHSs) under SARA Title III section 302, and must include the following 16 substances: chlorine, ammonia, anhydrous ammonia, methyl chloride, ethylene oxide, vinyl chloride, methyl isocyanate, hydrogen cyanide, hydrogen sulfide, toluene diisocyanate, phosgene, bromine, anhydrous hydrogen chloride, hydrogen fluoride, anhydrous sulfur dioxide, and sulfur trioxide.
- For any regulated substance present at a facility above the threshold quantity, owners or operators must prepare a risk management plan that includes:
  - A hazard assessment;
  - A program for preventing releases, including safety precautions as well as maintenance, monitoring, and employee training;
  - A response program, including notifying the public and local responders, providing emergency health care, and employee training.
- EPA must prepare guidance and regulations for risk management plans by November 1993. Facilities must comply with this requirement three years after the date of promulgation.
- Facilities must submit the risk management plan to states and local emergency planners, and make the plan available to the public.
- A Chemical Accident Safety Board is formed. LEPCs may want to participate in Board investigations and obtain results of those

investigations in order to revise their plans, if necessary, to reflect Board findings. The Board may recommend federal, state, local, and industry actions to improve chemical safety.

Over the next three to four years, the accidental release provisions are likely to result in an influx of large quantities of facility-specific information to LEPCs. While this may pose some logistical problems initially, it presents a remarkable opportunity for LEPCs to obtain vital, current information about facilities that may have been difficult to obtain on a voluntary basis. These risk management plans, with their analysis of off-site impacts, could thus help LEPCs focus their efforts on high priority hazards in the community, both for planning and prevention purposes. LEPCs will also be better able to coordinate community plans with facility plans.

**Process Safety Management of Highly Hazardous Chemicals.** The Clean Air Act Amendments also require OSHA to publish new regulatory requirements for processes using highly hazardous chemicals. The term "highly hazardous" refers to those materials which possess toxic, flammable, reactive, or explosive properties as defined in the regulation. OSHA has proposed a list that delineates exactly which chemicals fall under the regulatory definition. The proposed regulation establishes procedures and requirements for the safe management of hazards associated with industrial chemical processes. Workplaces covered by this new standard would be those conducting any activity that involves a highly hazardous chemical including any use, storage, manufacturing, handling, processing, or movement, or any combination of these activities at or above the threshold quantity specified by OSHA in the standard. These requirements are intended to prevent or minimize the consequences of major industrial accidents, thus protecting employees from the hazards of toxicity, fires and/or explosions.

Employer compliance with this standard will be of interest to LEPCs as it may reduce risk to the community. LEPCs may want to ask employers whether they are subject to the standard, and if so, whether they are complying with it. If LEPCs need process safety management information, they could get it from employers under the provisions of SARA section 303(d)(3). The Chemical Emergency Preparedness and Prevention Office (CEPPO) is working with OSHA to coordinate efforts under the new OSHA regulatory scheme with activities under the Clean Air Act Amendments to minimize confusion and overlap, and ensure that the two programs complement, rather than detract from, each other. LEPCs will need to understand how the two regimes interact and communicate this information to facilities, so that compliance with each can be ensured, and that the community hazards analysis and emergency plan can be kept up to date.

## **SARA TITLE I: HAZWOPER STANDARDS**

Under the authority of Section 126 of SARA Title I (not Title III), EPA and OSHA issued health and safety standards to protect workers engaged in hazardous waste operations and emergency response (HAZWOPER). The HAZWOPER standards affect employers whose employees are engaged in emergency response operations without regard to location, where there is a release or a substantial threat of release of a hazardous substance. OSHA's regulations do not cover volunteer responders; volunteers in states subject to EPA regulations are covered.

The HAZWOPER standards cover emergency response planning as well as training:

- **Emergency Response Planning.** An employer (including public sector employers such as fire departments) must develop a Title I emergency response plan to protect workers during a release of all kinds of hazardous substances, including EHSs, CERCLA hazardous substances, RCRA hazardous wastes, and any substance listed by the U.S. Department of Transportation as a hazardous material.

The required elements of these employer-specific plans are similar to the required elements of LEPC plans. Indeed, employers may include parts of the LEPC plan in their Title I plans, which also must address coordination with outside parties. The HAZWOPER requirements reinforce the LEPC planning process by bridging on-site and off-site planning.

LEPCs may obtain the employer plans from employers under the provisions of SARA Section 303(d)(3). These plans will include information about the facility that should be helpful to LEPCs developing a comprehensive emergency plan.

- **Training.** The standard reflects a tiered approach to training, linking the amount and type of training to an employee's potential for exposure to hazardous substances and to other health hazards during a hazardous waste operation or an emergency response. The greater the potential hazard, the more extensive and stringent the training requirements. Annual refresher training is required for all employees trained under the standard.

The LEPC may want to be involved in determining the appropriate level of training for public sector employees, based upon its community hazards analysis. The LEPC will need to know the training levels in

order to develop the training schedules which must be a part of its plan. LEPCs should work with the state to pursue grants under HMTUSA to support training programs. (See the description of HMTUSA above.)

Note that Title I plans focus on worker safety, while Title III plans focus on community safety. Coordination between facilities and LEPCs should improve greatly when Title I plans are developed, as facilities that have completed worker safety plans have already done much of the work necessary to develop community plans, and should be more confident dealing with their LEPCs. LEPCs can use Title I in conjunction with Title III to integrate the best elements of individual facility plans into a comprehensive local emergency response strategy.

## **OIL POLLUTION ACT (OPA) OF 1990**

The Oil Pollution Act (OPA) of 1990 includes national planning and preparedness provisions for oil spills that are similar to SARA Title III provisions for extremely hazardous substances. Specifically, the OPA:

- Establishes Area Committees under the direction of a federal On-Scene Coordinator (OSC) to develop contingency plans for specific areas at risk of damage from an oil spill. (EPA is responsible for Area Committees for inland areas, while the U.S. Coast Guard is responsible for those in coastal areas);
- Requires Area Committees to work with state and local officials (e.g., SERCs and LEPCs) to enhance state and local contingency planning and response;
- Requires owners or operators of certain vessels and facilities to prepare response plans, coordinated and consistent with LEPC plans, for worst-case oil and hazardous substance discharges;
- Requires consistency among facility/vessel plans, area contingency plans, and the National Contingency Plan; and
- Requires regular drills (exercises) to test these plans.

The OPA is an opportunity for LEPCs to take the following steps:

- Coordinate their Title III plans with area and facility oil spill plans covering the same geographical area; whenever possible, coordinate and standardize response procedures for all hazards;
- Attend exercises required by the OPA and invite Area Committee members and federal OSCs to

attend Title III exercises to ensure that lessons learned will be shared widely;

- Learn about the National Response System; incorporate the RRT and provisions for federal response assistance in its Title III plan as appropriate; include a federal OSC in ongoing Title III preparedness activities as appropriate; and
- Consider submitting the Title III plan to the RRT (by way of the SERC) for review and comment. This can be done under current provisions of Title III section 303(g).

### **POLLUTION PREVENTION ACT**

The Pollution Prevention Act represents a fundamental shift in the traditional approach to pollution control. Instead of concentrating on the treatment and disposal of wastes, it seeks to focus industry, government, and public attention on reducing the amount of pollution produced. Source reduction offers industry the potential to realize substantial savings from reduced raw material needs, pollution control, and liability costs. Source reduction also helps protect the environment and reduces risk to worker and public health and safety.

The following features of the Pollution Prevention Act are of particular interest to LEPCs:

- The establishment of a state matching grant program to promote the use of source reduction techniques by businesses;
- The creation of a publicly available source reduction clearinghouse;
- The implementation of source reduction and recycling data collection (source reduction and recycling data will be incorporated into the TRI database and made available subject to the confidentiality provisions of SARA Title III); and
- The streamlining and coordination of reporting requirements.

LEPCs should make themselves familiar with the Pollution Prevention Act and share their information with local facilities as well as with the general public, actively encouraging pollution prevention and source/hazard reduction. As facilities comply with the Pollution Prevention Act, LEPCs should regularly reassess the community hazards analysis and modify the emergency plan accordingly. LEPCs should also encourage facilities to seek and use the technical assistance made available under the grant program.

### **PROPOSED LAWS AND REGULATIONS**

There are a number of proposed laws and regulations that could eventually have an impact on LEPCs, with regard to their compliance with and implementation of Title III requirements. We intend to update this document in the future, to reflect the passage of any relevant legislation that would affect LEPCs. As of this writing, the following regulations have been proposed:

**Adding Explosives to the List of Extremely Hazardous Substances.** The current list of extremely hazardous substances issued under section 302 of SARA Title III focuses on toxics that have lethal effects after a short exposure. Additionally, other hazardous chemicals are covered by the right-to-know reporting requirements under sections 311 and 312 if they are present in quantities greater than 10,000 pounds. EPA has determined that commercial explosives in quantities less than 10,000 pounds can produce serious damage if they are accidentally detonated in a community. In August 1990, therefore, EPA announced that it is considering adding chemicals to the SARA Title III section 302 list of extremely hazardous substances based on their explosivity.

If EPA's proposal takes effect, LEPCs will be required to include the listed explosives in their emergency plans. This means that LEPCs will need to:

- Understand the hazards associated with explosive chemicals;
- Identify where explosives are in the community; and
- Modify their plans to include emergency response to incidents involving accidental explosions.

**EPA's Draft Stormwater Permit Rule.** EPA has issued a draft regulation establishing general permit standards for stormwater discharges under the Clean Water Act. In addition to requiring the development of stormwater management plans, this draft rule would require facilities in 19 sectors of American industry covered by section 313 of SARA Title III to test effluent for acute toxicity; construct diversionary structures to contain potentially contaminated stormwater (or, alternatively, to install drainage to keep stormwater from reaching storage areas where it could become contaminated); and protect storage piles from exposure to stormwater, wind-blowing and leaching.

In addition, chemical storage tanks would be required to have secondary containment systems sufficient to contain the material if the tank fails. Truck and rail car loading

and unloading areas also would be required to have secondary containment sufficient to hold the contents of a breached tank.

LEPCs will want to coordinate their emergency plans with the stormwater management plans. In addition, LEPCs should inform themselves about any prevention steps that facilities take so that LEPC plans include an up-to-date evaluation of local hazards.

## More Information...

For additional details about any of the laws described in this bulletin, contact:

Your State Emergency Response Commission (SERC);

EPA's Emergency Planning and Community Right-to-Know Information Hotline at (800) 535-0202 from 8:30 a.m. to 7:30 p.m. (Eastern time), Monday through Friday.

EPA Regional Offices:

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